

FINAL 9/18/03

**EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,
HYDROLOGISTS, AND SOIL SCIENTISTS
MADISON WI
MINUTES
OCTOBER 3, 2002**

PRESENT: Yakov (Yan) Nenaydykh, Stephen Donohue (by phone-until 10:45 a.m.), Robert Karnauskas (by phone), Thomas Evans (by phone-got on phone at 10:50 a.m.), Harry Parrott, Tracy Benzel, Wayne Lindgren, Robert Wendt

EXCUSED: David Mickelson, Jon Gumtow, Joan Underwood, Ruth G. Johnson,

CALL TO ORDER

Tracy Benzel, Secretary, called the meeting to order at 10:05 a.m. A quorum of 8 members was present.

ADOPTION OF AGENDA

MOTION: Wayne Lindgren moved, seconded by Yakov Nenaydykh, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (3/14/2002)

MOTION: Wayne Lindgren moved, seconded by Robert Wendt, to approve the minutes of 3/14/02 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Bureau Director, Mary Forseth

• **Board Roster**

Mary Forseth distributed a new roster and introduced the newest members of each Section. Yakov (Yan) Nenaydykh is the public member on the Geologist Section, replacing Frederick Birts. Harry Parrot is a professional member of the Hydrologists Section, replacing Herbert Garn. Jon Gumtow is a professional member of the Soil Scientists Section, replacing E. Jerry Tyler.

• **2003 Meeting Dates**

The 2003 meeting dates were approved as published. The Board's next meeting is on Wednesday, March 13, 2003

To-Do List

Articles to be written for the Regulatory Digest were discussed.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Release of Disciplinary Orders**

Noted

- **Regulatory Digest, Katherine Hildebrand**

Legal Counsel, William Black will write an article for the Regulatory Digest on the requirements for sole proprietorship and certificates of authorization.

Tracy Benzel will contact Jerry Tyler to get information for an article for the Regulatory Digest on preparing for the exam process.

Mary Forseth will contact Cathy Cliff at the Department of Commerce about who will represent Commerce on the Inter-Agency Liaison Committee, possibly Lori Huntoon.

Robert Karnauskas will prepare an article with information that clarifies the issue of the definition of geologist, hydrologist and soil scientist as it pertains to the passage of AB 358, indicating that people practicing in these professions are required to be licensed. The Regulatory Digest will then be distributed to DATCAP, DNR, and the Department of Commerce to be included in the publications of these agencies.

SECTION REPORTS

Geologists, Joan Underwood

A report was not available at this time.

Hydrologists, Stephen Donohue

A report on the Hydrologists Section was not available at this time.

Soil Scientists, Tracy Benzel

Tracy Benzel reported on the issue of requiring continuing education credits for licensure for soil scientists as discussed at the Soil Scientists Section meeting yesterday, October 2, 2002. The Section is leaning towards taking a step-by-step approach to the idea of continuing education, agreeing that it is a little early in the life of this profession to be adding CE requirements. There are relatively few licensees in the profession at this time and also a lack evidence of harm to the public that would be addressed by having continuing education requirements.

The Section questions whether there is sufficient justification for requiring continuing education at this time, especially considering the cost involved in pre-approving courses and maintaining an effective CE program. The Section is considering, as an initial step towards developing a CE program, the possibility of gathering data from the people currently practicing in the field, perhaps in the form of a survey at renewal, to document if licensees are actually working in the field of soil science and if they are pursuing continuing education on their own. The Section's sole interest in gathering the data would be to clarify the need for continuing education at some time in the future, not in following-up on the individual licensee.

The Section wants currently licensed soil scientists to continue to practice and does not want to discourage people who are already working in the field of soil science who may want to take the exam and get their license.

LEGISLATIVE UPDATE

None

ADMINISTRATIVE RULES

Update on Proposed Rules Relating to Continuing Education Requirements

Stephen Donohue reported on the discussion at this morning's Rules Committee meeting. The Committee felt the Board should focus its energy on the issues involved in getting administrative rules updated and clarifying practice issues. It was felt that the Board needs to work to ensure that people first understand the need for licensure, before imposing another layer of requirements in the form of mandatory continuing education. While the Board has the authority to require continuing education for licensure, there is nothing that requires the Board to do so. The more flexible approach that Minnesota takes with regard to continuing education was discussed as a possible model for the Board to use when the Board is ready to establish continuing education requirements.

Determine Need to Promulgate Rules Defining Act 53, Incidental Practice

Tracy Benzel reported that there is no rule-making required on Act 53 at this time regarding the issue of incidental practice

INTER-AGENCY LIAISON COMMITTEE

Board members discussed the initial reason for forming the Inter-Agency Liaison Committee was to resolve conflicts between different state agencies' rules which are in conflict with each other with regard to licensure requirements. The purpose of the Committee was to identify and eliminate these inconsistencies in licensure requirements when codes come up for revision. Currently, individuals working under the rules established by one state agency can find themselves out of compliance with rules established by another state agency. Each agency has a different perspective on the issue of licensure requirements for state employees working in the fields of geology, hydrology or soil science. The Board believes that the Inter-Agency Liaison Committee can continue to serve a needed role in ensuring compliance with state regulations and should be maintained in order to keep the lines of communication open between the state agencies involved in these issues. However, the Board does not believe there is a need for the Inter-Agency Liaison Committee to meet at this time.

MOTION: Robert Karnauskas moved, seconded by Thomas Evans, to request that all members of each Section start developing a list of administrative codes that they practice under and to develop an article to be put in the Regulatory

Digest requesting all practicing members of the professions to assist the Board with the development of a list of the rules that they practice within. Motion carried unanimously.

Mary Forseth will contact the representatives of the Committee from each of the other agencies to give them an update on the status of the Inter-Agency Liaison Committee. The Board's desire is to keep the Committee active, though at this time, there is not an immediate need for the Committee to meet.

PRACTICE ISSUES, IF ANY

Review Letter to Schools Re: Licensure Requirements

Mary Forseth reviewed a revised draft of the letter to schools that included comments from the Soil Scientists Section. The Department is in the process of gathering a list of public and private schools for distribution, along with pamphlets from each of the sections that will include information on the criteria for licensure in each of the professions. Mary Forseth will go to the AIPG website to get a list of schools and Tracy Benzel will go to the ARCPAC website for their list of schools to provide board members with a list of schools.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Promotional Pamphlets

This was discussed in conjunction with the Letter that will be sent to the schools addressing the issue of license requirements. Judy Mender and Tracy Benzel will review the drafts of the brochures for accuracy before printing.

Outreach Letter

Mary Forseth briefly reviewed the letter that was sent out expressing the Board's desire to meet with other professionals regarding the Board's administration of rules promulgated under Wisconsin Administrative Code GHSS 1-4. The Department received a response from one individual.

NEW BUSINESS

None

ADJOURNMENT

MOTION: Robert Karnauskas moved, seconded by Wayne Lindgren, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

DATE: October 24, 2002
TO: Mary Forseth
FROM: Grace Schwingel
SUBJECT: Examining Board of Professional Geologists, Hydrologists, and Soil Scientists
Joint Board Meeting of October 3, 2002, To-Do List

1. **William Black** will write an article for the Regulatory Digest on the requirements for sole proprietorship and certificates of authorization.
2. **Tracy Benzel** will contact Jerry Tyler to get information for an article for the Regulatory Digest on preparing for the exam process.
3. **Robert Karnauskas** will prepare an article with information that clarifies the issue of the definition of geologist, hydrologist and soil scientist as it pertains to the passage of AB 358, indicating that people practicing in these professions are required to be licensed. The Regulatory Digest will then be distributed to DATCAP, DNR, and the Department of Commerce to be included in the publications of these agencies.
4. The **members of each Section** will start developing a list of administrative codes that they practice under and to develop an article to be put in the Regulatory Digest requesting all practicing members of the professions to assist the Board with the development of a list of the rules that they practice within.
5. **Mary Forseth** will contact the representatives of the Committee from each of the other agencies to give them an update on the status of the Inter-Agency Liaison Committee and to let them know the Board's desire is to keep the Committee active, though at this time, there is not an immediate need for the Committee to meet.
6. **Mary Forseth** will get a list of school names from the AIPG website and Tracy Benzel will get a list of school names from the ARCPAC website to mail the licensing requirements letter.
7. **Judy Mender** and **Tracy Benzel** will review the drafts of the brochures from each of the Sections for accuracy before printing.

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